

Appl. No. : 10/674,857
Filed : September 30, 2003

REMARKS

Applicant respectfully requests reconsideration of the above-captioned application in light of the above amendments and the following remarks.

35 U.S.C. § 112 Rejections Are Resolved

The Examiner rejected Claims 23 and 25 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification. The limitation “with no further attachment means” of Claim 23 has been deleted from the claim to increase claim clarity. Applicant contends that the specification supported this subject matter, but the question is moot since the language has been deleted. The Examiner contends that the text “a second attachment member in Claim 25 is also new matter. Applicant respectfully traverses the Examiner’s rejection. For example, in the embodiment illustrated in Figure 2B, a first attachment member could be projections 42, and a second attachment member could be projections 44. See Specification, col. 5, ll. 1-14. Thus, there is support for this claimed subject matter.

The Examiner rejected Claims 23-26 under 35 U.S.C. § 112, second paragraph as being indefinite. As discussed above, the text “with no further attachment means” has been removed from Claim 23, and thus the Examiner’s rejection has been overcome. Claim 24 has been amended to replace “in or adjacent” with –at or adjacent--, which is equivalent alternative language. Thus, the rejection has been addressed and overcome. Claim 25 has been amended to clarify that the “second attachment member” (also discussed above) has structure “configured to receive a tubular member in a selectively-releasable press-fit manner.” Applicant contends that this language satisfies any clarity need for this claim, and that the Examiner’s rejection has been addressed and overcome. Applicant has also changed the dependency of Claim 25. Claim 26 has been amended to include antecedent basis for “the channel”. As such, the Examiner’s rejection has been addressed and overcome.

Applicant contends that all of the Examiner’s 35 U.S.C. § 112 rejections have been resolved, and respectfully request the Examiner to withdraw these rejections.

All Claims Are Patentable Over Anderson

The Examiner rejected Claims 21-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,764,997 to Anderson. Applicant respectfully traverses the rejection and disagrees with the Examiner’s characterization of Anderson.

Anderson teaches a sitz bath having a generally circular rim R configured to sit on the toilet bowl B when the toilet seat is raised. Col. 3, ll. 40-43. A channel C traverses the rim R and slopes downwardly. Col. 4, ll. 1-5. The rim R is raised about the channel C, creating raised side edges 44. Col. 4, ll. 27-28. A constriction 41 at a forward portion of the channel C enables force fitting of a hand held bidet D into the channel C. However, the other end of the channel C is widened, and thus the constriction 41 is the only part of the channel C that is configured to hold the bidet D. Col. 4, ll. 17-24.

Sidewalls 20 of the sitz bath depend downwardly. As clearly shown in Fig. 2, the Channel C is entirely formed in the rim R portion of the bath, and no portion of the channel extends into the depending portion. Additionally, Anderson never suggests lowering the toilet seat over or onto the disclosed sitz bath.

Anderson does not teach or suggest every element of the claims. For example, Claim 21 recites a “plate comprising a depending portion configured to generally correspond to the curvature of the rim at the rear portion of the toilet bowl, and an attachment member in the depending portion, the attachment member configured to receive a tubular member in a selectively-releasable press-fit manner.” At least these limitations of Claim 21 are not taught or suggested by Anderson.

The claims that depend from Claim 21 recite additional patentable subject matter not taught or suggested by Anderson such as, for example, “a substantially U-shaped groove is formed in the depending portion . . .”, and “a second attachment member.” Other patentable subject matter includes the support member having a front face, and a channel has an inlet and an outlet both formed at the front face; and the recited plate being sized and configured to fit substantially below a seat portion of a toilet.

Notably, Applicant has also amended Claim 26 to replace the term “front end” with the term –front face--.

Since Anderson does not teach or suggest all of the limitations of Claims 21-27, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

New Claims

New Claims 28-39 have been added to more thoroughly claim Applicant’s invention. Claim 28 depends from allowable Claim 21, and recites additional patentable subject matter.

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Claim 29 is an independent claim, from with Claims 30-39 depend. No new matter is added by the new claims, and all of the claims are currently in condition for allowance.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

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